

JUL 05 2006

REMARKS

Claim 2 (wherein the wall elements abut each other) is combined with claims 1, 22 and 23, and a portion of claim 22 (without glue or fastener) is also combined in claim 23. These combinations traverse the rejections.

The rejections of independent claims 1, 22 and 23 under 35 USC 102 for anticipation by the cited Dean patent are traversed as before by the limitations that the wall elements are coupled by a coupling profile and separately covered (please see the detailed analysis of March 7, 2006) and now also by the wall elements abutting. In the Dean patent, the wall elements 12, 14, 100, 102 do not abut. The corner lock 46 or M-shaped element 128 is between them, but the rejection requires that:

The identical invention must be shown in as complete detail as contained in the ... claim. *Richardson v. Suzuki Motor Co.* ... (Fed. Cir. 1989). MPEP 2131.

The failed rejections for anticipation should not be converted into ones under 35 USC 103 for obviousness, because the coupling of the wall elements does not consist of the coupling profile as in claim 1, but instead requires the corner lock or M-shaped element 128 fastener, contrary to claims 22 and 23.

The rejections of independent claims 1 and 23 under 35 USC 102 for anticipation by the cited Bagley, Sr. patent are traversed in the same way as the claimed invention is unobvious from the Dean patent. Its coupling consists of nails 44 and not of the coupling profile without fasteners as in claims 1 and 23.

The failed rejections of claims 1 and 23 for anticipation should not be converted into ones under 35 USC 103 for obviousness, because the teaching of fasteners in the patent cannot teach toward their absence, as claimed.

Independent claim 22 has already been found clear of the Bagley, Sr. patent.

The combination of claim 2 with independent claims 1, 22 and 23 similarly clears them from the cited Cooper patent.

The rejection of independent claim 22 under 35 USC 102 for anticipation by the cited Blick, III. et al. patent is traversed by the rivet fasteners, unnumbered in Fig. 10, but, e.g., 34a in Fig. 5 of the patent, and the wall elements that do not abut, contrary to the claim.

The failed rejection of claim 22 for anticipation should not be converted into one under 35 USC 103 for obviousness, because the teaching of fasteners in the patent cannot teach toward their absence, as claimed. Moreover, the patent misses the claimed opportunity of using abutting wall elements for strength by relying, instead, on the box shape of 124 that, therefore, teaches away from the whole invention now claimed.

The Action finds the limitation to consist essentially much broader than consists of and, therefore, not excluding. This is incorrect.

The transitional phrase "consisting essentially of" limits the scope of a claim to the specified materials ... "and those that do not materially affect the basic and novel characteristic(s)" of the claimed invention. *MPEP* 2111.03

The limitation to coupling consisting essentially of the coupling profile is part of the invention and, therefore, limits the scope of the claim that is, nevertheless, made definitely excluding by amendment to a coupling "consisting of" the coupling profile.

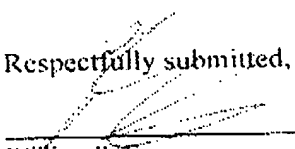
As described, for example, at page 2, lines 1-5, of the specification, the invention separates the coupling and covering functions for free choice of respective materials. The Dean patent teaches nothing of this, because the corner lock 48 that is the cover also has a locking function, whereby its material must meet the requirements of both, e.g., strength for coupling and appearance for covering. Therefore, the Dean patent neither discloses nor

suggests coupling "consisting of" the coupling profile as in claim 1, coupling "only" by a coupling profile as in claim 22, or coupling without a fastener as in claim 23.

The Bagley, Sr. patent discloses separate coupling 36 and cover 50 members, but the coupling 36 requires nails 44. The Blick, III, et al. patent discloses in Fig. 10 separate cover 15 and coupling 124 members, but the coupling requires rivets. Therefore, neither patent discloses or suggests coupling consisting of the coupling profile as in claim 1, coupling "only" by a coupling profile as in claim 22, or coupling without a fastener as in claim 23.

Reconsideration and allowance are, therefore, requested.

Respectfully submitted,


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